

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

received 07/11/05 see ISA 210/220

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (Sheet 2)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/DE2005/000238

International filing date (day/month/year)
02/10/2005

Priority date (day/month/year)
03/16/2004

International Patent Classification (IPC) or both national classification and IPC
H04M3/54, H04M1/00, H04Q7/38

Applicant

DEUTSCHE TELEKOM AG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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European Patent Office

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

IAP16 Rec'd

International application No.

PCT/DE2005/000238

18 SEP 2006

Box No. I

Basis of this opinion

10/593428

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

- a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

- b. format of material

☐

in written format

☐

in computer readable form

- c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/DE2005/000238

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-7	YES
	Claims	8-18	NO
Inventive step (IS)	Claims		YES
	Claims	1-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations:

see supplementary page

Regarding Point V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Related Art

D1: U.S. 2003/181202 A1 (LINK CHARLES M ET AL) September 25, 2003 (2003-09-25)

D2: EP-A-0 996 272 (SAGEM SA) April 26, 2000 (2000-04-26)

Method Claims

According to applicant's statements on page 4, lines 18-20, the "invention" relates to a design approach that allows a subscriber B to keep his incoming calls that originate from a fixed network line and are destined for a radio communications network telephone line of subscriber B, in the fixed network, and to keep calls arriving from radio communications network telephone numbers that are destined for a fixed network terminal of subscriber B, in the radio communications network. For additional motivation, subscriber B is to receive a share of the saved network interworking costs, in the form of a bonus.

One skilled in the art is therefore confronted with the technical objective of developing technical means by which this objective is able to be achieved, i.e., to keep incoming calls in the fixed network or the radio communications network and to provide subscriber B with a bonus.

The method according to Claim 1 achieves this objective by redirecting incoming calls "according to the principle of call redirecting", and by determining an amount that is allocated to subscriber B on his telephone bill with the aid of the generated communication data records.

Furthermore, Claim 1 specifies features that, more or less, result directly from the problem definition, in particular, to redirect only calls from the fixed network to the radio communications network, or from the radio communications network to the fixed network.

The call redirection function is a known method to increase the reachability of subscribers, for example. However, it is also known (cf., for instance, D1, sections [0005] and [0006]) to utilize call redirection when costs are to be saved, as is the case in the present application. Accordingly, given the mentioned objective, one skilled in the art will consider it obvious to utilize call redirection in connection with the stated objective, especially given the assumption of cost savings.

As far as the sub-objective of giving subscriber B a bonus is concerned, only the recording of communication data records and their analysis in the processing system of the billing services are specified as technical design feature. However, recording and analyzing communication data records are generally employed method steps, which are carried out every time a call is set up. The idea of assigning subscriber B a credit as share in the saved network interworking costs, is a financial idea, however, whose technical implementation in the form of a corresponding analysis of the communication data records is a direct result for one skilled in the art.

Starting from the aforementioned objective, one skilled in the art thus arrives at a method according to Claim 1 in an obvious manner, in particular in view of the wording, formulated in the form of an objective, of the application subject matter. **As a result, the claim lacks an inventive step (Article 33(1) PCT).**

Device Claims

In the terminology of Claim 8, D1 discloses a device for cost-effective redirecting of calls, wherein

- it is configured as cradle (Fig. 4: 112) for a mobile radio communications network terminal (Fig. 1: 110) having integrated switchover function, which is located at the location of the home and/or partner number;
- the cradle has a first switch element in its storage depression, which is actuated both by **setting down** and by **removing** the mobile radio communication network terminal, assigned to the cradle, of the second subscriber;
- a previously stored service telephone number is activated and triggered when hanging up the mobile radio communications network terminal, which in turns activates a service that redirects all calls destined for the mobile radio communications network terminal, to the fixed network terminal that is registered as home or partner number and to which the cradle is assigned ([0035] in conjunction with [0044]); and
- after **removal** of the mobile radio communications network terminal from the storage device and the attendant renewed actuation of the switch element, the switchover function is cancelled again via the service telephone number triggered thereby ([0037]).

Claim 8 is thus not novel (Article 33(1) PCT).

D2 discloses on pages 6 and 7 a similar device, which, in contrast to D1, however, and thus in conformance with Claim 17, has a detector instead of a cradle.

Claim 17 is thus not novel (Article 33(1) PCT).

Dependent Claims

The dependent claims do not include any features that, in combination with the features of any other claim to which they refer, satisfy the PCT requirements with respect to novelty or inventive activity, in particular when taking all documents mentioned in the search report into account.